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INTELLECTUAL AND DEVELOPMENTAL  
DISABILITIES TECHNICAL ADVISORY  
COMMITTEE (IDD TAC) MEETING  
CHFS DMS COMMISSIONER'S CONFERENCE ROOM  
6TH FLOOR  
275 EAST MAIN STREET  
FRANKFORT, KY 40621

APRIL 28, 2017

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**ORIGINAL**

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**INTELLECTUAL AND DEVELOPMENTAL  
DISABILITIES TECHNICAL ADVISORY  
CHFS Board Rm, 2<sup>nd</sup> FL in the Public Health Building  
275 EAST MAIN STREET, FRANKFORT KY 40621  
April 28, 2017**

[illegible]

MR. CHRISMAN: Welcome everyone, and let's start our introductions. I guess I'll start with myself. I'm Rick Chrisman. I'm a member of KAPP and also a member of the TAC.

MR. CALLEBS: I'm Johnny Callebs representing KAPP, the Kentucky Association of Private Providers, and I work for Independent Opportunities in Richmond.

MR. LANG: I'm Clyde Lang and I'm representing Leading Age, and I work with Cedar Lake.

MR. CHRISMAN: And you're a member -- and you're a proxy for -- you're representing that organization?

MR. LANG: Yes, that's correct.

MR. CHRISMAN: Right. Not a proxy but you're representing them.

MS. MARKLE: My name is Elizabeth Markle and I'm with InterCare.

MS. MCCracken: Shannon McCracken. I'm the executive director of KAPP.

MS. CLARK: Alisha Clark, Medicaid.

MS. SMITH: Pam Smith, DXC. I'm the utilization management manager.

MR. STEWART: Christan Stewart, I'm

the patient rep for Michelle P. Waiver recipients.

COURT REPORTER: I'm sorry, for what?

MR. STEWART: Michelle P. Waiver recipients.

MR. CHRISMAN: And a member of the committee.

MR. STEWART: Correct.

MR. CHRISMAN: Yeah.

MS. BEARD: I'm Stella Beard, executive director of the Arc of Kentucky.

MR. CHRISMAN: And a member.

MS. BEARD: And a member.

MR. CHRISMAN: How about our guests?

MS. ALLISON: I'm Marie Allison, a parent of an individual who's on the SCL waiver.

MS. LOCKER: I'm Barb Locker with the Division of Developmental and Intellectual Disabilities.

MS. STONE: Stephanie Stone with Passport Health Plan.

MR. HIGHLEY: Adam Highley with DXC and formerly HPE.

MR. LEMASTER: Bob LeMaster with DXC.

1 MS. WHEELER: Dawn Wheeler with DMS.

2 MR. CHARLES: Evan Charles with  
3 Department for Aging and Independent Living.

4 COURT REPORTER: I'm sorry. Say  
5 that one again.

6 MR. CHARLES: Department for Aging  
7 and Independent Living.

8 MR. CHRISMAN: Welcome our guests,  
9 too. Oh, on the phone, I'm sorry. Is there  
10 anyone on the phone?

11 MS. BEARD: I don't think anyone's  
12 called in yet.

13 MR. CHRISMAN: All right. The first  
14 thing on the agenda is Medicaid eligibility  
15 process status. Does anybody want to comment on  
16 that? Are things better or worse or the same?  
17 What's -- anyone want to talk about their  
18 experience? In our organization we believe things  
19 are somewhat better. How about you?

20 MR. CALLEBS: Well, I think it has  
21 improved. I think there are still issues and  
22 seems like we're seeing now more instances of  
23 claims not paying because of no POC on file, and  
24 so -- and then when we inquired about that --

25 MR. CHRISMAN: Is that a case

1 management issue or is that --

2 MR. CALLEBS: It sounds like it  
3 is --

4 MR. CHRISMAN: Yes.

5 MR. CALLEBS: -- but when you talk  
6 to case managers they say, no, it isn't.

7 MR. CHRISMAN: Okay.

8 MR. CALLEBS: That plans are being  
9 submitted and it's --

10 MS. SMITH: Well, it's -- I can --  
11 Johnny, we had -- there was a system defect that  
12 there was some changes put into place and we're  
13 monitoring that every day, but if you have anybody  
14 that still has any outstanding for that or comes  
15 across that, if you will send that to that UM  
16 research box that I've given before, and if you  
17 need me to give you that, I can give that e-mail  
18 again.

19 MR. CALLEBS: Okay, sure.

20 MS. SMITH: It's  
21 UM\_research@hpe.com, and my staff can help -- can  
22 -- it's just a minute, it just takes a couple  
23 minutes to fix that, and so --

24 MS. MARKLE: As a case management  
25 person, I said that, that it's -- it doesn't mean

1 the plan of care is not on file, it's a button  
2 basically is --

3 MS. SMITH: It's really just that  
4 that date for some reason didn't transfer to that  
5 place where claims look -- claims has to look to  
6 that to see because of all the limitations for --  
7 you know, services can have so many for plan of  
8 care years so it has to reference that statement.  
9 And so we are monitoring that every day now so if  
10 there are any stragglers or any that did not get  
11 fixed, if they'll let me know and then I have  
12 staff that work that every day and it's just -- it  
13 takes them a matter of minutes to fix it.

14 MR. CALLEBS: Okay. Is it a glitch  
15 that can be fixed or is it --

16 MS. SMITH: It has been fixed now  
17 going forward.

18 MR. CALLEBS: Okay.

19 MS. SMITH: It has been addressed  
20 going forward, and so there was just -- and we  
21 went back and picked up what we thought were all  
22 of them but we have found there were just a few  
23 that somehow got missed out of that, or there was  
24 like a previous time frame that got missed.

25 MR. CALLEBS: Okay.

1 MS. SMITH: And so but, like I said,  
2 they can do that and we can help -- we can  
3 resubmit, if the claims were electronic I can  
4 resubmit them for you once we fix them.

5 MR. CALLEBS: Okay. Thank you.

6 And then we had also --

7 MR. CHRISMAN: Go ahead. I'm sorry.

8 MR. CALLEBS: Well, I was just  
9 saying --

10 MS. BEARD: Can I ask one question  
11 real quick?

12 MR. CHRISMAN: Yeah.

13 MS. BEARD: What's the access code  
14 to call in? Someone's not able to get in. I was  
15 trying to find it on my e-mail but I can't --

16 MS. WHEELER: 0258276.

17 MS. BEARD: Thank you. Sorry.

18 MR. CHRISMAN: We'll listen for  
19 that.

20 MS. BEARD: They're trying to call  
21 right now.

22 MR. CHRISMAN: Okay. Anyone else  
23 want to comment on eligibility? Sounds like we  
24 have made some progress, though, would you say, is  
25 that your understanding of it?



1 MS. MCCracken: Yes, it has  
2 improved.

3 MR. CHRISMAN: Okay. Good.

4 MR. CALLEBS: It has but --

5 MR. CHRISMAN: Yes.

6 MR. CALLEBS: -- we still --

7 MR. CHRISMAN: So a few things --

8 MR. CALLEBS: Yeah.

9 MR. CHRISMAN: -- like what they  
10 were mentioning.

11 MR. CALLEBS: But there are still  
12 people randomly assigned to optimum choices  
13 versus --

14 MS. SMITH: Well, and let me --

15 MR. CALLEBS: -- global.

16 MS. SMITH: Can I tell you about  
17 that now --

18 MR. CHRISMAN: Okay.

19 MS. SMITH: -- at this point? So  
20 you still see those, the changes from the benefit  
21 plan title but when you look if they have  
22 eligibility on file and they have patient  
23 liability on file, it doesn't matter what plan  
24 they're in. It used to be before the MCOs each  
25 plan had different eligibility and there was a

1 little bit that was different and if you were SCL  
2 you needed to be in this one and HCB you would be  
3 in this one. At this point you don't -- it  
4 doesn't really matter which plan that you're  
5 seeing. If you see one of those -- so if you see  
6 global or you see comprehensive or optimum, as  
7 long as eligibility is there and patient liability  
8 is there, you can bill.

9 A lot of times what that means when  
10 you -- if you see them not in the plan you expect  
11 is there's a missing -- there's something missing  
12 with their patient liability is usually what that  
13 will cleave into. But if you see anything, go  
14 ahead and bill your claims. The claims will pay  
15 as long as everything else meets the criteria, but  
16 those titles really don't mean anything anymore as  
17 far as the benefit plan.

18 MR. CALLEBS: Okay.

19 MS. SMITH: So as far as -- the fee  
20 for service plans. Now, MCO obviously still means  
21 that they're enrolled in a MCO, but the global  
22 versus comprehensive versus optimum, it doesn't  
23 really -- everybody in fee for service has the  
24 same -- they've got their -- the same eligibility.

25 MR. CALLEBS: So as long as the --

1 MS. SMITH: As long as you have --

2 MR. CALLEBS: -- patient

3 liability --

4 MS. SMITH: Patient liability is

5 there --

6 MR. CALLEBS: -- info is there.

7 MS. SMITH: -- and you have --

8 eligibility is there and they have the level of

9 care on file, then you can bill and you won't have

10 any problems.

11 MS. CLARK: Can I ask who just

12 joined?

13 MS. SEYBOLD: Patricia Seybold,

14 interim director for the DD Council.

15 MR. CHRISMAN: Oh, welcome. Can you

16 hear us?

17 MS. SEYBOLD: Yes.

18 MR. CHRISMAN: Great. We can hear

19 you fine.

20 MS. BENTLEY: Hello, everybody.

21 This is Katie Bentley, public policy coordinator

22 for the council.

23 MR. CHRISMAN: welcome. Anyone

24 else? Okay. Michelle P. waiting list.

25 MS. SMITH: Okay. We are up to 5363

1 on the waiting list, and as of right now there are  
2 3,840 or about 72 percent that are under 21.  
3 That's remained steady. That's about where we  
4 stay as far as the under 21 versus over 21, and  
5 then our last -- we were at I believe about  
6 10,177, yeah, was our last as of the end of March  
7 is where we were capacitywise.

8 MR. CHRISMAN: Thank you.

9 MR. CALLEBS: 10,177.

10 MS. SMITH: 10,177 on the waiver.

11 MR. CALLEBS: On the waiver.

12 MR. SMITH: So active on the waiver.

13 MR. CALLEBS: And how many on the  
14 waiting list?

15 MS. SMITH: 5363.

16 MR. CALLEBS: 5363.

17 MS. BEARD: I have a question. I  
18 talked to a family the other day who said that  
19 they received a letter saying that they were no  
20 longer eligible for the Michelle P because of a  
21 financial issue. Would that -- I mean, I've never  
22 heard that being sent out to families. Is that  
23 something? They didn't know who to contact or  
24 what to do so --

25 MS. CLARK: There should be --

1 MS. BEARD: Of course they rolled  
2 right off.

3 MS. CLARK: Right.

4 MS. BEARD: And they're devastated,  
5 so...

6 MS. CLARK: On that letter there  
7 should be contact information. It sounds like  
8 that would come from DCBS.

9 MS. BEARD: I think maybe they had  
10 tried to call, and this was all just communicating  
11 back and forth via e-mails, so I'll contact them  
12 again and see exactly what --

13 MS. CLARK: Their number, I can give  
14 it to you.

15 MS. BEARD: Okay.

16 MS. CLARK: Is 855-306-8959.

17 MS. BEARD: Okay. Thank you.

18 MS. CLARK: But at the top of that  
19 letterhead it should say -- if it comes from us  
20 it's going to say Medicaid but it sounds like it  
21 would have come from Department for  
22 Community-Based Services.

23 MS. BEARD: Right.

24 MS. MCCracken: There are a lot of  
25 letters going around right now.

1 MS. BEARD: Yeah.

2 MS. MCCracken: About everything.

3 MS. BEARD: About everything.

4 MS. MCCracken: And nothing.

5 MS. BEARD: And I think when parents  
6 get those a lot of times they just kind of --

7 MS. MCCracken: Sure.

8 MS. BEARD: -- they just freak out,  
9 oh, what's wrong, what did I do wrong.

10 MR. CHRISMAN: Any other questions  
11 on that topic? I have two more guests, and if it  
12 wasn't for Dawn I'd still be off trying to find  
13 this place. Would you like to introduce  
14 yourselves?

15 MR. SHANNON: Steve Shannon with  
16 KAPP.

17 MS. MAGRE: LeAnn Magre with  
18 WellCare.

19 MR. CHRISMAN: Thank you. Welcome.  
20 Recoupments, did you want to say something about  
21 that, Johnny?

22 MR. CALLEBS: Yes, I would, and  
23 possibly make a motion --

24 MR. CHRISMAN: Okay.

25 MR. CALLEBS: -- to -- for a

1 recommendation to the MAC --

2 MR. CHRISMAN: Thank you.

3 MR. CALLEBS: -- about it.

4 Regarding recoupments, we -- the committee has  
5 addressed this topic before and honestly didn't  
6 get anywhere, but I just wanted to bring up a  
7 recent appeal that was won by a provider. It  
8 involved \$153,000 and some change in recoupment,  
9 and the appellant submitted 1972 documents for  
10 review in the appeal, and the hearing officer  
11 tribunal reversed the recoupment in its entirety.

12 MS. BENTLEY: Could you -- could you  
13 speak up a little bit, please.

14 MR. CALLEBS: Sure. The Cabinet's  
15 hearing officer reversed the recoupment finding in  
16 its entirety, stating that substantial compliance  
17 and not strict compliance is the standard and also  
18 stating that the Cabinet has no legal authority to  
19 recoup funds that arise solely from documentation  
20 deficiencies and that recoupments do not fall in  
21 the federal regulatory definition of overpayments,  
22 which is what of all these recoupment letters  
23 claim, that providers are overpaid and they're  
24 recouping an overpayment, which is incorrect  
25 according to the Cabinet's hearing officers.

1                   So, again, providers have been, you  
2     know, really hurt badly by just a series of  
3     ongoing recoupments, some of them massive, that  
4     started two or three years ago. This one happens  
5     to be in the Money Follows the Person program,  
6     which was -- again, when it was instituted to move  
7     people out of institutional care a few years back  
8     was in total disarray, just going all over the  
9     state, the leadership of the Cabinet changed  
10    almost quarterly on who was running the program,  
11    so it was very difficult to keep up with but  
12    nonetheless ended up being successful from the  
13    standpoint that people were deinstitutionalized  
14    and remain so, which was the goal of the program.

15                   So -- but then several years later  
16    the department, Medicaid came back and started  
17    just hitting providers with massive recoupments.

18                   MS. MCCracken: After the program  
19    was ended.

20                   MR. CALLEBS: After the program was  
21    ended.

22                   MS. MCCracken: The year earlier.

23                   MR. CALLEBS: Before IDD almost  
24    entirely based on documentation, clerical errors.  
25    And so anyway, this is a result of that. The



1 hearing officer has found otherwise that the  
2 authority to recoup on -- based on those errors,  
3 the authority is not there and that also  
4 substantial compliance and not strict compliance  
5 is the standard.

6 So just like to point that out. I  
7 would like the committee to have some discussion  
8 about that and perhaps going forward with a  
9 recommendation to the MAC that the Cabinet look at  
10 the way in which they do their billing reviews and  
11 identify recoupment issues. In these cases and in  
12 all cases I'm aware of the Cabinet never asserted  
13 that the services were not provided, they never  
14 asserted that fraudulent activity was occurring.  
15 These were just picking apart --

16 MR. CHRISMAN: Nonmaterial --

17 MR. CALLEBS: -- documentation,  
18 nonmaterial --

19 MR. CHRISMAN: -- errors.

20 MR. CALLEBS: -- errors in  
21 documentation. It was never a question of whether  
22 or not the service was delivered. So that is a  
23 substantial finding I believe and on a substantial  
24 recoupment amount.

25 MR. CHRISMAN: Yes.

1 MR. CALLEBS: \$153,000. So I'd just  
2 like to just have some discussion about that if we  
3 may and I just think it's essential if we're  
4 going --

5 MR. CHRISMAN: Yeah.

6 MR. CALLEBS: -- forward, especially  
7 as we'll get to that, a redesign, you know, we  
8 really are looking at documentation standards  
9 that, you know, you don't come in three or four  
10 years after the fact and try to take all the money  
11 back that's long since been spent on supporting a  
12 person stay out of institutional care based solely  
13 on small errors.

14 MR. CHRISMAN: Let me --

15 MS. MCCracken: It's important to  
16 point out, though, just to add on to that real  
17 quick is that that was never -- that wasn't the  
18 standard prior to 2014.

19 MR. CHRISMAN: Okay.

20 MS. MCCracken: Never, for those of  
21 us who have worked through a decade of audits and  
22 things, that it was always substantial compliance.  
23 It became strict compliance when the Michelle P  
24 audit -- or when the Michelle P -- I'm sorry,  
25 Money Follows the Person grant ended one year

1 early and --

2 MR. CALLEBS: Something changed.

3 MS. MCCracken: -- pretty much a  
4 team of administrators for that program became a  
5 team of auditors, and that changed from there on  
6 out.

7 MR. CHRISMAN: My understanding,  
8 tell me if I'm wrong, but has this not been  
9 reformed to some extent? I thought going forward,  
10 are we still -- are we just looking at the minimum  
11 federal standard orders?

12 MS. MCCracken: Well, it's been  
13 simplified.

14 MR. CHRISMAN: Yeah.

15 MS. MCCracken: But it's still --

16 MR. CHRISMAN: But it's still -- is  
17 it still a problem?

18 MS. MCCracken: Well, it's still  
19 very prescriptive and strict.

20 MR. CHRISMAN: Okay. Yeah.

21 MS. MCCracken: That there are five  
22 things. If you were missing one of those five  
23 things, you're recouped.

24 MR. CHRISMAN: But it's better in  
25 that they're not looking at each and every little

1     thing in the regulation?

2                   MS. MCCracken: It's still strict,  
3     they're just looking at less items.

4                   MR. Chrisman: Okay. So it's not  
5     really better or has it been --

6                   MS. MCCracken: Well, it's still  
7     strict compliance.

8                   MR. Chrisman: Well, it's not good  
9     enough --

10                  MR. Callebs: I think it's too early  
11     to tell because --

12                  MR. Chrisman: Oh.

13                  MR. Callebs: -- those -- that  
14     provider letter you were referring to --

15                  MS. MCCracken: Right.

16                  MR. Callebs: -- took two or three  
17     months.

18                  MR. Chrisman: Yeah. And so we  
19     can't really judge if it's --

20                  MR. Callebs: No, not at all.

21                  MR. Chrisman: Okay.

22                  MS. MCCracken: No, but would you  
23     agree that the letter itself, I mean, is still a  
24     very strict compliance?

25                  MR. Shannon: Yes. It's a narrow

1 band versus a wide band.

2 MS. MCCracken: Absolutely. Thank  
3 you.

4 MR. CHRISMAN: Okay. Does this open  
5 the door for the recoupment of recoupments, I  
6 mean, or is this...

7 MR. CALLEBS: Can you restate that.

8 MS. BEARD: Is that a word?

9 MR. CHRISMAN: Can providers recoup  
10 what has been recouped from them?

11 MS. MCCracken: I was going to  
12 say -- a lot of --

13 MR. CHRISMAN: Clawback.

14 MS. MCCracken: -- providers have  
15 already paid --

16 MR. CHRISMAN: Yeah.

17 MS. MCCracken: -- without --

18 MR. CHRISMAN: But I'm thinking that  
19 can they claw back --

20 MR. SHANNON: well, probably on an  
21 individual case they can make that proposal --

22 MR. CHRISMAN: Yeah.

23 MR. SHANNON: -- but I don't think  
24 this is going to --

25 MR. CHRISMAN: Okay.

1 MR. SHANNON: -- drive the Cabinet  
2 to go back and look at recoupments and issue  
3 checks.

4 MR. CHRISMAN: Okay.

5 MS. MCCracken: But can the  
6 Cabinet's hearing officer tell the Cabinet that?

7 MR. CALLEBS: Well, I think it's  
8 individually based but I would -- yeah, maybe  
9 that's going to be part of what we can recommend,  
10 that going forward the Cabinet look at the  
11 precedent it sent instead of going out and  
12 continuing to this same practice that we relook,  
13 you know, along with, you know, providers and  
14 program people and regulators, that way we come  
15 together and look at, you know, what this standard  
16 should look like so that everyone knows and is on  
17 the same page, but this is untenable going  
18 forward.

19 MR. CHRISMAN: But people do need to  
20 be informed of this is what you're saying  
21 primarily also; right?

22 MR. CALLEBS: Exactly. Primarily  
23 the Cabinet and its field staff who are going out  
24 and doing the audits --

25 MR. CHRISMAN: Yeah.

1 MR. CALLEBS: -- as I said, these  
2 are legal standards that were, you know, put forth  
3 by the Cabinet's own hearing officers and  
4 essentially stating that their approach to taking  
5 money back based on documentation errors is just  
6 wrong.

7 MR. CHRISMAN: Yeah.

8 MS. MCCracken: And let providers  
9 know.

10 MR. CALLEBS: So I -- so I'd like to  
11 recommend that we --

12 MR. CHRISMAN: So you'd like to make  
13 a motion?

14 MR. CALLEBS: -- put forth a  
15 recommendation to the MAC.

16 MR. CHRISMAN: In the form of a  
17 motion?

18 MR. CALLEBS: Yes.

19 MR. CHRISMAN: Okay.

20 MR. CALLEBS: That this gets  
21 addressed formally to the Cabinet. So I guess my  
22 -- if I may.

23 MR. CHRISMAN: To inform their field  
24 staff -- oh, go ahead. I'm sorry. I'm stepping  
25 on you.

1 MR. CALLEBS: No, not at all. I'm  
2 trying to piece together in my mind.

3 MR. CHRISMAN: Yeah.

4 MR. CALLEBS: But I think one part  
5 of the recommendation would be that to -- that we  
6 recommend to the MAC that the Cabinet, you know,  
7 review and change or modify its approach or policy  
8 to billing reviews, billing audits and recoupment  
9 and --

10 MR. CHRISMAN: Specifically --

11 MR. CALLEBS: -- acknowledge --

12 MR. CHRISMAN: -- excluding  
13 nonmaterial deficiencies from recoupment?

14 MR. CALLEBS: Correct, and looking  
15 at the fact that the officer said that the Cabinet  
16 does not have the authority to recoup payments  
17 solely based on documentation deficiencies, and  
18 also the standard of substantial compliance versus  
19 strict compliance is one that should be followed.

20 MR. CHRISMAN: Yeah.

21 MR. STEWART: So is there someone  
22 here from Money Follows the Person?

23 MS. CLARK: No, not today.

24 MR. STEWART: Okay. Because it  
25 would be interesting to know if that person is



1 aware of the hearing findings and to see if there  
2 was any communication from the hearing officer to  
3 that department or to those folks.

4 MS. MCCracken: Is there still a  
5 Money Follows a Person --

6 MS. CLARK: Program, yes.

7 MS. MCCracken: Okay. People?

8 MS. CLARK: Yes.

9 MR. CHRISMAN: But this gets applied  
10 to all waivers?

11 MS. MCCracken: They should.

12 MR. CALLEBS: This standard from  
13 what I know.

14 MR. CHRISMAN: Everything.

15 MR. CALLEBS: Yeah, yeah. Michelle  
16 P.

17 MS. MCCracken: Because Money  
18 Follows the Person followed the SCL regulation.

19 MR. CHRISMAN: Okay. But it should  
20 extend to Michelle P.

21 MR. STEWART: It says for all  
22 programs.

23 MR. CALLEBS: It's a principle, I  
24 believe.

25 MR. CHRISMAN: Yes.

1 MR. CALLEBS: Because all the --

2 MR. CHRISMAN: Hello. Welcome.

3 MS. BEARD: Maybe part of the  
4 recommendation --

5 COURT REPORTER: I'm sorry, could  
6 you speak up?

7 MS. BEARD: Oh, yeah. I was just  
8 saying maybe part of the recommendation can be,  
9 you know, making sure that everyone is aware of  
10 this, that -- you know, and be part of the  
11 recommendation on staff and maybe then going to  
12 the MAC and...

13 COURT REPORTER: I'm sorry, ma'am, I  
14 can't --

15 MS. BEARD: I'm sorry. I was just  
16 -- I was trying to form my thoughts. I'm saying  
17 part of the recommendation could be that, you  
18 know, the SCL, Michelle P, Money Follows the  
19 Person, all of them are aware of this that  
20 happened and then, you know, go ahead and follow  
21 through with making the recommendation to MAC.

22 MR. CALLEBS: Yeah, well, and I  
23 don't know, maybe Alisha can speak to this but  
24 since all of those waivers are essentially in the  
25 same division, then if this were to be

1     communicated into Medicaid Cabinet and its field  
2     staff, that would be -- it's all in the same  
3     division.

4                   MS. CLARK: All the waivers are held  
5     in the same division.

6                   MS. BEARD: Right.

7                   MS. CLARK: Yes.

8                   MR. CALLEBS: So that should be  
9     easily disseminated if the Cabinet agrees with the  
10    recommendation to do that. So do we...

11                   MR. CHRISMAN: You need a second.

12                   MS. BEARD: Make a motion.

13                   MR. CALLEBS: Chair, so...

14                   MR. CHRISMAN: Do you want to -- is  
15    it necessary to restate that maybe or do we have a  
16    -- do we have enough to take this recommendation,  
17    Stella, to the MAC, more or less?

18                   MS. BEARD: Yeah, we will probably  
19    need to work on the verbiage just a little bit.

20                   MR. CHRISMAN: Okay.

21                   MS. BEARD: Just to make sure that  
22    we've got it.

23                   MR. CHRISMAN: Yeah. But like if  
24    it's just the --

25                   MS. BEARD: When Shannon and I

1 presented last time, you know, we made sure all  
2 the verbiage was correct and we had it all written  
3 out, you know, but we didn't -- can hash that out.

4 MR. CALLEBS: Well, so I'll try to  
5 summarize it. So my motion is that the TAC  
6 recommendation is that the Cabinet acknowledge  
7 that substantial compliance should be the standard  
8 versus strict compliance and also that the Cabinet  
9 lacks the legal authority to recoup based solely  
10 on documentation deficiencies or errors and that  
11 the Cabinet review and modify its billing review  
12 practices and recoupment policies.

13 MR. CHRISMAN: Perfect. Do we need  
14 a second to that?

15 MR. LANG: Second.

16 MR. CHRISMAN: Okay. Everyone  
17 approves say aye.

18 ALL: Aye.

19 MR. CHRISMAN: Anyone disapprove?  
20 So that motion -- so that we'll take to the MAC.  
21 You'll go to the MAC meeting; is that correct?

22 MS. BEARD: Yes.

23 MR. CHRISMAN: Thanks. Waiver  
24 redesign, I understand that there's no one here to  
25 address that question for us.

1 MS. CLARK: Earl had another meeting  
2 and he will be in a little bit late.

3 MR. CHRISMAN: I did have an e-mail  
4 from him saying that -- basically that he wasn't  
5 going speak to it either, so that would be no one  
6 here from DMS to...

7 MS. CLARK: Okay. Let me...

8 MR. CHRISMAN: Okay. So that's what  
9 he said in his e-mail to me, that there was no one  
10 here to do that. So I would like to say that I'm  
11 very disappointed that we don't have anyone here  
12 to talk about this very important issue. We -- at  
13 our last meeting, of course, we could not talk  
14 about it because it was still, what is it, the --

15 MS. BEARD: Procurement.

16 MR. CHRISMAN: Yeah, the procurement  
17 process was still going on, which we understood.  
18 But I think it was fairly clear that we did want  
19 to talk about this issue because it's very  
20 important. We did with ample time get this in as  
21 an agenda item for this meeting, so it's -- and I  
22 don't think we can overstate how important this  
23 issue is. This is probably the most critical  
24 issue right now, is how is this reorganize --  
25 redesign going to take place. We -- up until this

1 point with had with Commissioner --

2 MS. BEARD: Anderson.

3 MR. CHRISMAN: -- Anderson we had I  
4 thought a very transparent process with a lot of  
5 back and forth, and now we don't know -- we don't  
6 know who Navigant is, we don't know what they're  
7 going to do. We need -- we would like someone  
8 from both, someone from a high-policy level at DMS  
9 and Navigant both to be here. We had hoped also  
10 to do this simultaneously with someone from the  
11 LRC to talk about their cost study and so those  
12 two folks could get together.

13 MS. CLARK: Earl will be here. His  
14 e-mail said -- didn't say that he wouldn't speak  
15 to it.

16 MR. CHRISMAN: It did to me.

17 MS. CLARK: Okay. Well, he'll be  
18 here --

19 MR. CHRISMAN: Yeah.

20 MS. CLARK: -- and he'll --

21 MR. CHRISMAN: But I don't think  
22 he's the person we want. We want someone at  
23 high-policy level.

24 MS. MCCracken: Well, we could ask  
25 specifically --

1 MR. CHRISMAN: Yeah.

2 MS. MCCracken: -- that it be  
3 Commissioner --

4 MR. CHRISMAN: Yeah.

5 MS. MCCracken: -- Hunter because  
6 she was contact person. It's more than  
7 disappointing, it really is. It's -- we  
8 understood we couldn't talk about it during the  
9 RFP procurement process so we clearly stated,  
10 well, next time it will be awarded. It has been  
11 so we asked for an update.

12 Not only has it been awarded, it's  
13 already in process. The first task of that  
14 contract is a 90-day deliverable that somebody  
15 else may speak to more specifically, but we're  
16 already 30 days into that. And by not addressing  
17 us today, the next meeting of the TAC, that  
18 project will pretty much be done. I hope that  
19 wasn't intentional, but providers were assured and  
20 the legislature was assured, specifically Senator  
21 Julie Raque Adams, that stakeholders would  
22 continue to be engaged and reengaged as soon as  
23 the contract was awarded. So we not only feel  
24 disrespected, we feel locked out.

25 MS. BEARD: And those stakeholders,

1 we've not had any contact other than one e-mail  
2 stating who was, you know, the person that had  
3 been appointed now to handle it and that was it.

4 MS. MCCracken: Right. And there  
5 was no announcement --

6 MS. BEARD: No meetings.

7 MS. MCCracken: -- about the  
8 contract.

9 MS. BEARD: Yeah.

10 MS. MCCracken: There was no  
11 announcement about the contract or award, I just  
12 have had to do sleuthing and searching and talking  
13 and trying to find things out and let other  
14 stakeholders know but if we didn't do that, we  
15 wouldn't know a thing today.

16 MR. CHRISMAN: Right. So there's  
17 really no sunshine here, is there?

18 MS. MCCracken: No. No, it's scary.

19 MR. CHRISMAN: Yeah. Did anyone --  
20 I think we are thinking about a motion? Anyone  
21 prepared to -- because I think we want to express  
22 our unhappiness to the MAC; correct?

23 MR. CALLEBS: I mean, I'll -- I'll  
24 put forth a motion.

25 MR. CHRISMAN: Yes.



1 MS. BEARD: You're motion man today.  
2 Go for it.

3 MR. CALLEBS: I guess so.  
4 Recommendation would be that we -- the group  
5 expresses its -- to the MAC its disappointment in  
6 I guess the lack of transparency with the waiver  
7 redesign work that's been awarded to Navigant in  
8 that, you know --

9 MR. CHRISMAN: And that -- and the  
10 lack -- in other words, and the fact that they  
11 just didn't bring anybody to this meeting like we  
12 requested to answer questions.

13 MR. CALLEBS: Correct.

14 MR. CHRISMAN: Yeah.

15 MR. CALLEBS: Right, upon request.

16 MR. CHRISMAN: Yes.

17 MR. CALLEBS: And someone speak  
18 about it. There's...

19 MS. MCCracken: Well, what is the  
20 purpose of the TAC?

21 MR. CHRISMAN: Right.

22 MS. MCCracken: I mean...

23 MR. CALLEBS: So, yeah, and then  
24 plus going forward if we could we would like to  
25 be, you know, engaged in the process and have --

1 ask that, you know, Navigant and the --

2 MR. CHRISMAN: Someone at a high --

3 MR. CALLEBS: -- Cabinet --

4 MR. CHRISMAN: -- high-policy level.

5 MR. CALLEBS: -- yes, speak --

6 MR. CHRISMAN: Yeah.

7 MR. CALLEBS: -- attend the TAC and,  
8 you know, begin the process of --

9 MR. CHRISMAN: Telling us what.

10 MR. CALLEBS: -- stakeholder, yeah,  
11 engagement and keeping us informed about the work  
12 that's being done. It's very important to the  
13 people we support and it's essential going forward  
14 that we all work together if we're going to  
15 redesign the system.

16 MS. MCCracken: No disrespect but I  
17 think it's very telling, and I told the MAC this  
18 once, that the commissioner or the deputy  
19 commissioner of the Department For Behavioral  
20 Health and Intellectual Developmental Disabilities  
21 does not attend the TAC. I know that they attend  
22 the behavioral health. I've heard that before. I  
23 mean, I would appreciate --

24 MR. SHANNON: The commissioner does  
25 not.

1 MS. MCCRACKEN: Has before I know  
2 but --

3 MR. SHANNON: Maybe once. The  
4 deputy commissioner I think does.

5 MR. CHRISMAN: Well, anyway --

6 MS. MCCRACKEN: It just seems that  
7 it would be important every other month that, you  
8 know, a committee --

9 MR. CHRISMAN: Yeah, to weigh that  
10 hour into their schedule.

11 MS. MCCRACKEN: A committee  
12 specifically for the department, I don't know,  
13 it's just -- it doesn't feel important.

14 MS. BEARD: Another concern that I  
15 have from the family perspective is that we were  
16 involved in this redesign group for three  
17 meetings, and we were told at those meetings to  
18 distribute this information out to our respective  
19 groups about the waiver redesign. Here's what's  
20 happening, your voice is important, all of this  
21 that we were sending out. And we did that. I  
22 mean, I did it widely, and now there's nothing  
23 and, you know, it's caused more confusion within  
24 family members and everybody involved.

25 And so we're now getting contacts,

1 well, what's going on, you told us you would let  
2 us know something, where is it now. We don't even  
3 know what to tell folks. So the confusion, of  
4 course -- and, you know, when confusion is out  
5 there, it's -- it gets more confusing and --

6 MS. MCCracken: And fear.

7 MS. BEARD: -- exactly, and fear.

8 And so if you just get on one day of social media  
9 and go to different advocacy agencies, support  
10 groups, it's very confusing right now and it's  
11 because we did what we were told and distributed  
12 that information out to our various groups and now  
13 we don't even know what to tell them. So that's  
14 another thing that's real alarming is that, you  
15 know, that confusion is going on out there and  
16 conversations are happening and you can't really  
17 control it.

18 MR. CHRISMAN: Okay.

19 MS. MCCracken: That process was  
20 replaced by an RFP.

21 MS. BEARD: Exactly.

22 MS. MCCracken: And now a  
23 contractor.

24 MS. BEARD: Exactly.

25 MS. MCCracken: So people know that,

1       so that's why we need answers and --

2                   MS. BEARD:   Yes.

3                   MR. CHRISMAN:  Yeah.

4                   MS. MCCracken:  -- and deserve  
5       answers.

6                   MR. CHRISMAN:  So we have a motion,  
7       and a second to that?

8                   MR. STEWART:  Yes.

9                   MR. CHRISMAN:  All in favor say aye.

10                  ALL:  Aye.

11                  MR. CHRISMAN:  Opposed?  And I'll  
12       just -- I'll throw this out for discussion.  We  
13       don't want to bring this up to the MAC just to do  
14       it, okay.  That really doesn't solve anything.  
15       What we would rather have is an opportunity to  
16       meet with these people from Navigant and someone  
17       in the department to ask questions and find out  
18       where -- what is the process.  If somehow we can  
19       wedge another meeting in between now and the MAC  
20       where we can conduct this back and forth and shed  
21       some light on this, there is no need for us to  
22       take this motion to the MAC.

23                  MS. BEARD:  Right.

24                  MR. CHRISMAN:  Right?  Is that  
25       possible we could -- we could do that?

1 MR. CALLEBS: When is the MAC  
2 meeting?

3 MS. BEARD: May 25th, I believe.

4 MR. CHRISMAN: That's what we want.  
5 We don't want to have to complain, we just would  
6 like to learn what's -- because complaining  
7 doesn't solve the problem.

8 MR. STEWART: Alisha, do you think  
9 that Earl would have some more information about  
10 the redesign, Navigant, or do you think that's  
11 beyond his scope?

12 MS. CLARK: No, he is coming to  
13 speak on behalf of the waiver redesign.

14 MR. STEWART: Okay. So it would be  
15 nice to hear what he has to say and then maybe --

16 MR. CHRISMAN: Who is that? I'm  
17 sorry.

18 MS. BEARD: Earl.

19 MR. STEWART: Earl.

20 MR. CHRISMAN: Earl. Oh, yeah.  
21 Right.

22 MR. STEWART: It would be nice to  
23 see what he has to say and then --

24 MR. CHRISMAN: Okay.

25 MR. STEWART: -- go from there.

1 MR. CHRISMAN: Okay. So we'll table  
2 that part of the discussion until he gets here,  
3 but we do have this -- the motion has been passed;  
4 right?

5 MR. CALLEBS: Right.

6 MR. CHRISMAN: And are you prepared  
7 to take that to the MAC?

8 MS. BEARD: (Nods head).

9 MR. CHRISMAN: Okay. HR -- I guess  
10 it's supposed to be HR 100 SCL program review.  
11 I'm not sure if anyone --

12 MS. MCCRACKEN: Yes, 101 is about  
13 horses.

14 MR. CHRISMAN: That's right, yeah,  
15 you're right.

16 MS. MCCRACKEN: In case you weren't  
17 aware.

18 MR. CHRISMAN: Shannon, are you the  
19 person most likely to be able to speak to this  
20 issue? I think so.

21 MS. MCCRACKEN: I'd be glad to.

22 MR. CHRISMAN: Yeah.

23 MS. MCCRACKEN: House Concurrent  
24 Resolution was sponsored by Leader Jonathan Shell  
25 in the last session and it was to instruct the

1 Program Review and Investigations Committee to do  
2 a full program study and cost study of the SCL  
3 waiver specifically and the provider tax that  
4 we've paid since 2004 that was in -- that's in  
5 statute that it's to be redirected for cost of  
6 living and staffing rate increases and that has  
7 never happened, so Leader Shell was supportive and  
8 so was Speaker Hoover of that.

9 Representatives Moser, Prunty  
10 initially cosponsored and then several other  
11 representatives signed on. That passed through  
12 health and family cabinet -- sorry, the Health and  
13 Family Services Committee, the House and then it  
14 passed the full House 100 percent. The next place  
15 it went was Senate Health and Welfare before  
16 Chairwoman Raque Adams.

17 That day they wanted to roll it into  
18 another resolution with some other things, and  
19 with a little fear that we were running out of  
20 time, too, so that was important to the program  
21 review statutory committee chaired by -- cochaired  
22 by Representative Lynn Bechler and Senator Danny  
23 Carroll. So they didn't want to see that not pass  
24 so they made a motion to add it to the list of  
25 items that the program reviewed and investigations



1 committee, it's added to their agenda to study.

2 So I went straight to Leader Shell  
3 when that happened and he said, even better, that  
4 has the same effect, same weight as if it passed  
5 through the House and Senate fully, either or. We  
6 could have done both but either or. So it is on  
7 the agenda.

8 The program review committee  
9 instructs that study. The program review has  
10 already started that work. They have not began --  
11 begun gathering information from providers yet but  
12 they as far as a cost study. They did ask me to  
13 send them just the waiver and our comments and  
14 things over the last couple of years and just some  
15 basic documentation things. Nothing about  
16 individual providers or costs or anything like  
17 that, just our statute for the tax -- or statute for  
18 the provider tax, things that they could find  
19 online that I sent them.

20 We -- I will tell you that I sent an  
21 e-mail yesterday because Earl's e-mail indicated  
22 that it did not pass, since it didn't pass the  
23 Senate that it wasn't happening, and it is  
24 happening. So I sent that e-mail and I did, and I  
25 think this is important, I did receive responses

1 today from Senator Danny Carroll who told me that  
2 the program review committee instructs that and  
3 the Cabinet will not dictate the study. He was  
4 concerned about that, and then Leader Shell's  
5 office contacted me as well and said they are  
6 meeting with program review on the 8th, and they  
7 are adamant that the information will come  
8 entirely from providers and that that study was  
9 meant to be a backstop, a true study that would be  
10 utilized, you know, not along with or not to  
11 justify waiver redesign but to make sure that that  
12 was done correctly and fairly. So I'll report  
13 back to them.

14 MR. CHRISMAN: Thank you. And it  
15 will be very important I would assume that this  
16 study also interface with the redesign.

17 MS. MCCracken: Well, it's --

18 MR. CHRISMAN: That would make a lot  
19 of sense; right?

20 MS. MCCracken: If it's transparent  
21 and done clearly and correctly, yes.

22 MR. CHRISMAN: Yes. Let me  
23 apologize, ma'am. I forget -- I'm in the heat of  
24 the moment here. I forgot to introduce you.  
25 Welcome to our group and you, sir, as well,

1 welcome.

2 MR. JACKSON: Thank you. This is  
3 Tina Jackson, my wife, and I'm Mark.

4 MR. CHRISMAN: Glad to have you  
5 here.

6 MR. JACKSON: We're from Louisa in  
7 Orange County.

8 MR. CHRISMAN: You had to come a  
9 long way to get here.

10 MR. JACKSON: Yeah.

11 MR. CHRISMAN: And it was harder to  
12 get up here and find this room, wasn't it?

13 MR. JACKSON: Yeah.

14 MR. CHRISMAN: We're glad you're  
15 here.

16 MR. JACKSON: Thank you.

17 MS. ALLISON: Can I add something?

18 MR. CHRISMAN: Yeah.

19 MS. ALLISON: The program review  
20 committee met with about seven or eight parents --

21 MS. JACKSON: My name is Tina  
22 Jackson from Lawrence County. I am a former  
23 member of Commonwealth Council on Developmental  
24 Disabilities. Now I am a self-advocate trying to  
25 find ways to remain active in the disability

1 community.

2 MR. CHRISMAN: Well, thank you for  
3 being here. I'm sorry, Marie.

4 MS. ALLISON: I just wanted to say  
5 that about maybe eight parents met with -- I can't  
6 think of his first name. His last name is  
7 Knowles.

8 MS. BEARD: Van.

9 MS. ALLISON: Van Knowles and talked  
10 about our concerns.

11 MS. BEARD: And I'm meeting with him  
12 next week, so --

13 MS. ALLISON: Good.

14 MR. CHRISMAN: Any more questions on  
15 that? Earl, welcome. While you were gone the  
16 thing probably would be the most interest to you  
17 is that we passed a motion to -- I guess I'll just  
18 try to paraphrase it -- express our disappointment  
19 that there's no one here from DMS or Navigant to  
20 answer our questions about the process or hear an  
21 update of the process of the waiver redesign.

22 So we did pass that motion.  
23 However, we were hoping that if we could obviate  
24 having to take that motion to the MAC if we could  
25 somehow wedge in another meeting between now and

1 the MAC meeting; correct?

2 MR. CALLEBS: (Nods head).

3 MR. CHRISMAN: Where we could have  
4 someone here from Navigant or a high -- and/or  
5 someone at a high-policy level within DMS to talk  
6 about really what's going on with the waiver  
7 redesign, then we could drop this motion. Is that  
8 possible?

9 MR. GRESHAM: I came here today to  
10 discuss waiver redesign, so I'm not sure why you  
11 think no one is here.

12 MR. CHRISMAN: Well, I got an e-mail  
13 from you saying there would be no one here.

14 MR. GRESHAM: No one from Navigant,  
15 that's correct, but that I would be here, I would  
16 just be a little late.

17 MR. CHRISMAN: Do you consider  
18 yourself a high-level policy person?

19 MR. GRESHAM: Sure do.

20 MS. MCCracken: We asked for  
21 Representative Hunter.

22 COURT REPORTER: I'm sorry?

23 MR. CHRISMAN: Yeah.

24 MS. MCCracken: We asked for Deputy  
25 Commissioner Hunter.

1 MR. CHRISMAN: That's right.

2 MR. GRESHAM: Yeah, she's in a  
3 meeting and unable to be here.

4 MR. CHRISMAN: Well, we'll let that  
5 motion stand, then, unless you're willing to help  
6 us with another meeting. Apparently you're not.

7 MR. GRESHAM: No, sir, I'm not.

8 MR. CHRISMAN: Okay. The motion  
9 stands and we will take that --

10 MR. GRESHAM: I'd be happy to answer  
11 any questions.

12 MR. CHRISMAN: We will take that  
13 motion to the MAC and express our displeasure.

14 MR. STEWART: Is it at least  
15 possible to hear what --

16 MR. LANG: Get an update?

17 MR. STEWART: -- he has to say? I'd  
18 be interested to at least hear what he has --

19 MR. CHRISMAN: Sure.

20 MR. STEWART: -- interested in what  
21 he has.

22 MR. GRESHAM: We hired -- we did  
23 select Navigant as our contractor during our  
24 review process. We first met with them last  
25 Wednesday, Wednesday, Thursday, Wednesday or

1 Thursday and spent a day with them talking about  
2 the waivers and doing -- giving them information  
3 about our regulations and everything we could  
4 possibly think of to give them. We've provided  
5 them data. They had started the work to determine  
6 two things, one, the organizational structure of  
7 the division to determine whether everything is  
8 the best that it could be for Kentucky. The other  
9 is to determine the appropriate vehicle, is 1915  
10 (c) waiver is the way to go or is there another  
11 route that would save Kentucky money and serve  
12 more people.

13 That report is due around the end of  
14 June. We're in the beginning stages of it. We  
15 haven't -- we don't have any recommendations yet.  
16 We've just started giving them all the information  
17 we possibly can so that they can begin their  
18 analysis.

19 MR. STEWART: Who is Navigant?

20 MR. GRESHAM: Navigant is a company  
21 that is based -- I think their home base is  
22 Seattle, Washington. They have done work for  
23 Kentucky in the past in hospitals, was it rate  
24 setting?

25 MS. CLARK: (Nods head).

1 MR. GRESHAM: They had a contract  
2 with Kentucky for several years for hospitals and  
3 they conducted rate setting for Kentucky. On this  
4 panel of experts there is a nurse that was the  
5 director of Pennsylvania waiver services. There  
6 are about eight or nine waivers that she oversaw.  
7 There is -- Holly Brown is the project manager.  
8 She has over 12 years experience in waivers.  
9 There is a Dr. Jason Gerling, something along --  
10 something like that, I'm pronouncing the name  
11 wrong, I know. He is a dermatologist. He has  
12 worked in the aging department either in New York  
13 or Atlanta, I'm not sure which, very bright, has a  
14 lot of knowledge.

15 They are running two teams, one to  
16 determine organizational structure, one to  
17 determine the waiver redesign as far as what's the  
18 appropriate vehicle. They will be in and out a  
19 lot, and does that answer --

20 MS. BEARD: What about all the  
21 information from the past waiver redesign team?  
22 Was any of that given to them?

23 MR. GRESHAM: All of it.

24 MS. BEARD: All of it was?

25 MR. GRESHAM: Yes, ma'am.



1 MR. STEWART: Will there still be  
2 input from the waiver redesign team in Kentucky to  
3 Navigant or is that gone?

4 MR. GRESHAM: Are you talking about  
5 the original group that met in December?

6 MR. STEWART: Yes.

7 MS. BEARD: December and January, we  
8 met three times.

9 MR. GRESHAM: Yes. Yes, there will  
10 be, although probably on a larger scale.

11 MS. BEARD: What do you mean by  
12 larger scale?

13 MR. GRESHAM: We're still looking  
14 into what that will look like. It's a month or  
15 two down the road, but more people will be  
16 involved in the stakeholders groups.

17 MR. CALLEBS: Will there also be  
18 opportunity for stakeholder input into the first  
19 deliverable, which is the review of the org  
20 structure, like I guess the administrative  
21 organizational structure that operates the  
22 waivers? I understand that's due in 90 days.

23 MR. GRESHAM: Yes, that's part of  
24 it.

25 MR. CALLEBS: Okay.

1 MR. GRESHAM: And stakeholder  
2 involvement will be for all of it.

3 MR. CALLEBS: Okay.

4 MR. GRESHAM: Not just one  
5 particular item.

6 MR. CALLEBS: Okay. Thank you.

7 MS. MCCracken: So that would be  
8 pretty soon, then, wouldn't it?

9 MR. GRESHAM: Pardon me?

10 MS. MCCracken: That would be pretty  
11 soon?

12 MR. GRESHAM: Within the next couple  
13 of months, yes, ma'am.

14 MS. MCCracken: Okay.

15 MR. LANG: You said within the next  
16 couple months but then earlier you said the  
17 recommendation is due by the end of June.

18 MR. GRESHAM: Correct.

19 MR. LANG: Which is the next couple  
20 of months.

21 MR. GRESHAM: Yeah. I understand  
22 it's a tight time frame.

23 MR. LANG: Happens very quickly.

24 MR. GRESHAM: Yes, absolutely.

25 MS. BEARD: So will you-all be

1 reaching out to these stakeholders? How are  
2 you-all going to be contacting them, do you know  
3 that? Like is it going to be pooled from the list  
4 that was already, the 50 that met before? You  
5 said it was going to be a larger scale.

6 MR. GRESHAM: Yes, ma'am.

7 MS. BEARD: Okay.

8 MR. GRESHAM: We have some ideas for  
9 the beginning stages but I'm not really ready to  
10 give that out yet.

11 MS. BEARD: Okay.

12 MR. CHRISMAN: Just to clarify, your  
13 e-mail to me said, per your request of Dawn, there  
14 are no anticipated presenters on DMS' behalf that  
15 will be attending the TAC. Didn't mention  
16 Navigant.

17 MS. MCCracken: Earl, has Navigant  
18 done specific waiver redesign like this in any  
19 other states that we can look at?

20 MR. GRESHAM: I can't -- I can't  
21 remember which states but they have the  
22 experience, yes, ma'am.

23 MS. MCCracken: Specifically to  
24 redesign --

25 MR. GRESHAM: Yes.

1 MS. MCCracken: -- waiver,  
2 community-based waivers?

3 MR. CALLEBS: You said there were no  
4 others?

5 MS. MCCracken: There are --

6 MR. CALLEBS: Oh, there are.

7 MS. MCCracken: -- but he doesn't  
8 have specifics.

9 MR. SHANNON: Can you send those  
10 out, Earl, those other states?

11 MR. GRESHAM: Sure.

12 MR. SHANNON: Thank you.

13 MR. CHRISMAN: So are we ready to  
14 move on to the next agenda item?

15 MR. LANG: I have a question.

16 MR. CHRISMAN: Go ahead.

17 MR. LANG: Earl, are there - is  
18 Navigant or the department keeping minutes or  
19 notes or summaries of the meetings and could they  
20 be available just to see the progress?

21 MR. GRESHAM: Yes. They're required  
22 to send us an agenda of what was discussed that  
23 could be made available by open records.

24 MR. LANG: You could make that  
25 available?

1                   MR. GRESHAM: Yeah. You'd need to  
2 request an open records.

3                   MR. LANG: Okay.

4                   MR. CALLEBS: Would it be possible  
5 instead of open records route to have a regular  
6 standing agenda item just to -- that the whole  
7 committee and everybody concerned about it could  
8 have discussions ongoing, I mean, like maybe hand  
9 out, you know, those meeting agenda items just for  
10 ongoing FYI rather than having to go through open  
11 records or would that be considered, could it be  
12 considered?

13                   MR. GRESHAM: Yes, we'll consider  
14 it.

15                   MR. CALLEBS: Consider it, okay.  
16 Thank you.

17                   MR. LANG: Would it also be helpful  
18 since a regular meeting of this group would not  
19 happen for another 60 days, which puts it very  
20 near the end, to have an interim update  
21 specifically about this because it just has such a  
22 -- could have a major impact on our program.

23                   MS. BEARD: Like an e-mail, we could  
24 have an update or something for that?

25                   MR. CHRISMAN: Maybe you could

1 follow up with that, Shannon, interim reports.

2 MS. MCCracken: Oh.

3 MR. CHRISMAN: Yeah. Are we ready  
4 to move on to the next agenda item then? SCL  
5 slots and waiting list.

6 MS. LOCKER: Okay. So there are a  
7 total of 2,243 on the waiting list, 2,155 of those  
8 are for future, 68 urgent, 20 of emergency. 227  
9 slots have been allocated since waiver was renewed  
10 in April, beginning of April, and we are at  
11 capacity.

12 MR. SHANNON: So that means there's  
13 no more slots?

14 MS. LOCKER: That's pending?

15 MR. SHANNON: Correct.

16 MS. LOCKER: Right. Some things  
17 that are pending in process.

18 MR. SHANNON: Are there more July 1?

19 MS. LOCKER: I don't know.

20 MR. GRESHAM: No.

21 MS. BEARD: No?

22 MR. GRESHAM: No, there are no more  
23 July 1.

24 MS. MCCracken: Are those held for  
25 -- I know these others were from the past budget

1 so what are these waiting on?

2 MR. GRESHAM: Funding. They weren't  
3 funded in the budget. They were approved but not  
4 funded.

5 MS. MCCracken: Oh.

6 MR. SHANNON: Right. There's no  
7 money attached.

8 MR. GRESHAM: No.

9 MS. BEARD: So how many were on the  
10 emergency status? It left it down to 20 but how  
11 many were on there before, like before they were  
12 allotted recently? Do you know that? I was just  
13 curious.

14 MS. LOCKER: I did not bring those.

15 MS. BEARD: Okay. I was just  
16 curious, is that 20 that was left, you know, out  
17 of those I believe how many were there, was it 250  
18 slots that were --

19 MR. GRESHAM: I believe there  
20 were --

21 MS. BEARD: -- allotted.

22 MR. GRESHAM: I believe there was  
23 240 slots allotted. I believe it was 267 on the  
24 waiting list.

25 MS. BEARD: Okay.

1 MR. GRESHAM: I think.

2 MR. STEWART: And, ma'am, how many  
3 are currently on the -- that have SCL waivers,  
4 4,000 some?

5 MS. LOCKER: Yeah --

6 MR. STEWART: Ballpark?

7 MS. LOCKER: -- ballpark.

8 MR. STEWART: Okay.

9 MR. GRESHAM: 4901 is the total  
10 slots available.

11 MS. CLARK: 4941.

12 MR. GRESHAM: It depends on if the  
13 pending --

14 MS. CLARK: 4941.

15 MR. GRESHAM: 4941. It depends on  
16 the pending people, whether they turn in their  
17 paperwork, stuff like that.

18 MR. STEWART: Okay.

19 MR. CHRISMAN: Any other questions  
20 on the SCL issue? Comments?

21 MAC appointments, what's that? I  
22 don't know if I had -- I didn't see that.

23 MS. BEARD: I had -- I didn't put it  
24 on there.

25 MR. CHRISMAN: Yeah.



1 MS. BEARD: But I had contacted  
2 about what the status was on the MAC appointments  
3 because I know at every MAC meeting we've been to  
4 there's never a quorum, and so I know at the last  
5 MAC meeting they said I believe that appointments  
6 had been -- were in the process of being made,  
7 somebody correct me if I'm wrong on that.  
8 Shannon, you were there, remember, that was -- but  
9 when I contacted just as recent as two weeks ago  
10 they still -- nothing had been -- there had been  
11 no appointments.

12 MR. SHANNON: And I think now the  
13 TAC has a quorum, the MAC can act on the  
14 recommendation.

15 MS. BEARD: We -- they can -- no, it  
16 was my understanding they could listen to it and  
17 hear it and but they couldn't still vote on it but  
18 they could accept our recommendation. Do you  
19 remember?

20 MS. MCCracken: I just -- I thought  
21 -- my understanding was that they didn't have to  
22 have a quorum for the MAC.

23 MR. SHANNON: Anymore.

24 MS. MCCracken: That they just have  
25 to --

1 MS. BEARD: To accept our  
2 recommendation, though.

3 MS. MCCracken: And pass it on.

4 MS. BEARD: But they still would  
5 have to have it to vote on anything or...

6 MR. SHANNON: My understanding is  
7 the recommendation goes to the MAC --

8 MS. BEARD: Okay.

9 MR. SHANNON: -- and Medicaid  
10 responds to the MAC.

11 MS. MCCracken: Yes. That's what I  
12 thought.

13 MS. BEARD: Okay.

14 MR. SHANNON: And that can now  
15 proceed if there's a quorum at the individual TAC.

16 MS. BEARD: We can submit it, go  
17 ahead and do it. Okay.

18 MS. MCCracken: But what we run into  
19 every time, the MAC didn't have a quorum.

20 MR. SHANNON: Quorum.

21 MS. BEARD: Right.

22 MS. MCCracken: So --

23 MR. SHANNON: They couldn't take any  
24 action.

25 MS. BEARD: They couldn't do

1 anything.

2 MR. SHANNON: Now they can  
3 essentially take the TAC report and pass it on to  
4 Medicaid through the MAC as the procedure --

5 MS. BEARD: Okay.

6 MR. SHANNON: -- without a quorum.

7 MS. MCCracken: As long as  
8 somebody's there.

9 MS. BEARD: As long as somebody's --  
10 if there's one person sitting there, I guess then  
11 we're good to go. Okay.

12 MR. CHRISMAN: Okay.

13 MS. BEARD: There we go.

14 MR. CHRISMAN: Next meeting, what  
15 would be customary?

16 MS. BEARD: Would you want to do it  
17 before the MAC or would you want to do it after  
18 the MAC?

19 MR. STEWART: Seems as though it  
20 would be prudent to do it before the MAC.

21 MR. CHRISMAN: So we could still do  
22 that? Is that what everyone wants to do?

23 MR. CALLEBS: So before --

24 MR. CHRISMAN: When's the MAC?

25 MR. CALLEBS: -- May 25th?

1 MS. BEARD: 25th, the MAC.

2 MR. CHRISMAN: Okay.

3 MR. CALLEBS: And this would be  
4 solely an attempt to schedule this early to get a  
5 representative from Navigant.

6 MR. CHRISMAN: Or Navigant.

7 MR. STEWART: Earl, is it  
8 possible --

9 MR. CALLEBS: If they will.

10 MR. STEWART: Is it possible to get  
11 a representative from Navigant to come in two  
12 weeks?

13 MR. GRESHAM: Not to my knowledge  
14 but I'll be here.

15 MR. STEWART: Is it possible to get  
16 one of the deputy commissioners? Would the deputy  
17 commissioner have more information than you have?

18 MR. GRESHAM: No.

19 MR. STEWART: Okay.

20 MR. GRESHAM: And the deputy  
21 commissioner, it's possible she could be here. It  
22 just depends on her schedule, what she's already  
23 got on at that time.

24 MR. CHRISMAN: Someone will ask her,  
25 I presume, to attend this next meeting.

1 MR. STEWART: So the folks from  
2 Navigant live elsewhere, and they only come in for  
3 meetings --

4 MR. GRESHAM: Certain things.

5 MR. STEWART: -- and so forth? Got  
6 you.

7 MR. GRESHAM: Seattle, Atlanta,  
8 Philadelphia.

9 MR. STEWART: Multiple places, okay.

10 MR. SHANNON: Can I make a  
11 recommendation? I'm not on the TAC. I can go to  
12 Jill Hunter and check her schedule and  
13 therefore -- you know, when we meet as an  
14 association with Cabinet folks or whomever, they  
15 tell us the date and we get there that day as  
16 opposed to us saying, we can meet now, can you  
17 come? If you really want Jill Hunter to attend,  
18 give her the opportunity to set the date and then,  
19 you know, the TAC schedule changes to accommodate  
20 that.

21 MR. STEWART: So, Dawn, can you do  
22 that.

23 MS. WHEELER: Yes.

24 MR. CHRISMAN: And communicate back  
25 to us?

1 MS. WHEELER: Yes.

2 MR. CHRISMAN: That would be great.

3 MR. STEWART: Sounds good.

4 MR. SHANNON: Does that make sense,  
5 Earl?

6 MR. GRESHAM: Yes, sir.

7 MR. CHRISMAN: Shannon, would it be  
8 good to have someone here from the LRC as well, I  
9 mean, to talk about --

10 MS. MCCracken: I mean, it would,  
11 yeah.

12 MR. CHRISMAN: Yeah. So we'll try  
13 to do that as well once we get the standard --

14 MS. MCCracken: What their plans  
15 are, if they're established plans for how the  
16 study is going to occur.

17 MR. CHRISMAN: Yeah, and then  
18 introduce the two people, make sure they  
19 understand.

20 MR. STEWART: So, Dawn, do you have  
21 access to contact them as well?

22 MR. CHRISMAN: I think we'll handle  
23 that, you'll handle that once we have a date  
24 established or the LRC -- you know some people  
25 over there; right?

1 MS. MCCRACKEN: Well, I mean, we all  
2 have been contacted by Van.

3 MR. CHRISMAN: Yeah.

4 MS. MCCRACKEN: And when I said that  
5 about --

6 MR. SHANNON: Van will come. He's  
7 pretty --

8 MS. BEARD: Yeah, I can contact Van  
9 after we know a date. I don't mind doing that.

10 MS. MCCRACKEN: And I want to make  
11 sure I was clear to the advocacy and the parents,  
12 when I say the information will come from  
13 providers, I meant on the cost study.

14 MS. BEARD: Yeah.

15 MS. MCCRACKEN: Because that's the  
16 point of it with the...

17 MR. CHRISMAN: Yes. So we'll leave  
18 -- we're going to make every attempt to have our  
19 next meeting before the MAC; correct?

20 MR. STEWART: Yes, pending...

21 MR. CHRISMAN: And we're going to  
22 leave it open to -- and we're going make it  
23 convenient for Jill Hunter; right?

24 MR. STEWART: And Earl.

25 MR. CHRISMAN: Earl. And then we'll

1 work around that, okay. And then we'll also try  
2 to get at least -- and then if someone from  
3 Navigant could come, that would be very nice as  
4 well; right? And we'll also try to get someone to  
5 talk about --

6 MR. CALLEBS: Well, I think --

7 MR. CHRISMAN: -- the program review  
8 from LRC here, too. Does that sound good?

9 MR. STEWART: In the interim, Earl,  
10 how possible is it -- I mean, how many meetings --  
11 so Navigant has met one time?

12 MR. GRESHAM: That's correct.

13 MR. STEWART: Okay. And is it  
14 possible to get those -- you said an open records,  
15 but is it possible just to get the agenda list or  
16 what you guys talk about without having to go  
17 through just open records?

18 MR. GRESHAM: Right now the document  
19 is in draft status so I can't release it. Once  
20 it's final then I can see.

21 MR. STEWART: Got you.

22 MR. GRESHAM: I can try.

23 MR. STEWART: And do you know how  
24 long that'll be ballpark?

25 MR. GRESHAM: I honestly don't know



1     that.

2                   MR. STEWART: Don't know. Okay.

3                   MR. CHRISMAN: So that takes care of  
4     -- well, that's how we're going to have the agenda  
5     item, we're just going to leave it flux and  
6     hopefully we'll have a date soon that will work  
7     for everybody.

8                   MR. LANG: Who's making that contact  
9     to make sure that gets done?

10                  MR. CHRISMAN: Dawn.

11                  MR. LANG: Okay.

12                  MR. CHRISMAN: And then we'll --

13                  MS. BEARD: And then once we get the  
14     date --

15                  MR. CHRISMAN: We'll work around  
16     that.

17                  MS. BEARD: -- from the others --

18                  MR. CHRISMAN: We'll work around  
19     that. We'll work around that. How does that  
20     sound?

21                  MS. BEARD: Sounds good.

22                  MR. CHRISMAN: Okay. Then we're  
23     adjourned.

24                  (MEETING CONCLUDED AT 11:03 A.M.)

25

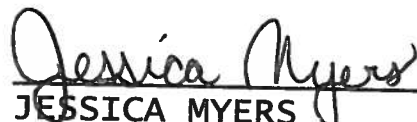
STATE OF KENTUCKY    )  
COUNTY OF JEFFERSON )

I, JESSICA MYERS, Notary Public, State of Kentucky at Large, hereby certify that the foregoing meeting was taken at the time and place stated in the caption; that said meeting was taken down by me in stenographic notes and thereafter reduced under my supervision to the foregoing typewritten pages; and that said typewritten transcript is a true, accurate and complete record of my stenographic notes so taken.

I further certify that I am not related by blood or marriage to any of the parties hereto and that I have no interest in the outcome of the captioned case.

My commission as Notary Public expires June 8, 2020.

Given under my hand this the 12<sup>th</sup>  
day of May, 2017, at Louisville, Kentucky.

  
JESSICA MYERS  
NOTARY PUBLIC

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